

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CRIMINAL MINUTES

Case No. **CR 24-158-JFW**

Dated: December 4, 2024

PRESENT: HONORABLE JOHN F. WALTER, UNITED STATES DISTRICT JUDGE

Shannon Reilly
Courtroom Deputy

None Present
Court Reporter

Diane Bailey Roldan
Asst. U.S. Attorney
Not Present

U.S.A. vs (Dfts listed below)

Attorneys for Defendants

1) Jonathan Gonzalez
Not Present

1) Hannah Alice Bogen, DFPD
Not Present

PROCEEDINGS (IN CHAMBERS): ORDER DENYING DEFENDANT'S MOTION TO DISMISS INDICTMENT [filed 11/8/2024; Docket no. 25]

On November 8, 2024, Defendant Jonathan Gonzalez ("Defendant") filed a Motion to Dismiss Indictment. On November 18, 2024, the Government filed its Opposition. On November 20, 2024, Defendant filed a Reply. The Court finds that this matter is appropriate for decision without oral argument. The hearing calendared for December 6, 2024 is hereby vacated and the matter taken off calendar. After considering the moving, opposing, and reply papers, and the arguments therein, the Court rules as follows:

Defendant moves to dismiss the indictment on the ground that, following the Supreme Court's decision in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1 (2022), 18 U.S.C. § 922(g)(1) is unconstitutional as applied to him. The Court follows the overwhelming weight of authority and concludes that the Ninth Circuit's decision in *United States v. Vonxgay*, 594 F.3d 1111 (9th Cir. 2010) remains binding authority after *Bruen*. See, e.g., *United States v. Aguilera*, 2024 WL 4778044, at *3 (N.D. Cal. Nov. 12, 2024) (collecting cases). In *Vonxgay*, the Ninth Circuit held that § 922(g)(1) does not violate the Second Amendment as it applies to convicted felons. Accordingly, Defendant's Motion to Dismiss Indictment is **DENIED**.

IT IS SO ORDERED.

CC: USPO/PSA